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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/261,030	03/02/1999	CHRISTOPHER JOEL NACK	RA9-98-072	7234

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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/261,030

Applicant(s)

Nack

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 13, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2, 5, 6, 8-11, 15, 16, 18-20, 23, and 24 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 5, 6, 8-11, 15, 16, 18-20, 23, and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Applicant's Response***

1. Applicant's amendment submitted, 1/13/03, has been received and entered. Claims 2, 5, 6, 8, 15, 18, 19 and 23 have been amended. Claims 1, 3, 4, 7, 12, 13, 14, 17, 21 and 22 have been canceled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 5, 6, 8-11, 15, 16, 18-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swinamer et al. in view of Walker et al.

Swinamer et al. shows all of the limitations of the claims except for specifying the use of a wireless management device/PDA including displaying information and sending information to and from the PDA and the POS via a central controller also using wireless modems.

Swinamer et al. shows, figure 1, a hardwired method of communicating (sending) request for management decisions (override details), including price information, credit clearance (monetary pick-up, approval), security alerts (lock up of POS) and other incidents requiring the

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manager's attention. This is done for a plurality of POS terminals. The manager is at the master station (central controller system) and can determine through verbal communication the satisfactoriness or unsatisfactoriness level of the POS terminal and has the ability to fix problems to ensure satisfactoriness.

Walker et al. teaches, figure 1, a system and method for dynamic assembly of packages in retail environments. System 100 includes a server 102 which is connected through a network 104 (LAN) to a plurality of point-of-sale terminals (column 4, lines 42-44) in order to improve information flow to better serve customers. The use of a PDA is one example given as an output device for both the server and the POS terminals.

Based on the teaching of Walker et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Swinamer system to incorporate the LAN and PDA system of Walker et al. in order to improve information flow to better serve customers.

#### ***Response to Arguments***

4. Applicant's arguments filed 1/13/03 have been fully considered but they are not persuasive.

Applicant asserts that neither Swinamer nor Walker show the signaling of data from a mobile manger system to a central controller to provide an override signal in response to an override condition occurring in a POS. Applicant fails to see how or why a PDA or wireless management device could or would be used in Swinamer.

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The examiner asserts that the above limitation is shown by introducing wireless communication to old and well known management functions. Swinamer shows the old and well known functions of a retail manager who is in communication with the employees servicing the POS terminals by means of a phone system. Walker teaches a system and method for dynamic assembly of packages in retail environments. While Walker has a different purpose for its communication system, shown in figure 1, it specifically mention PDAs as a means for wireless communication both at the central server and at the POS sites.

Both references solve the same problem of communicating information from a central point to a group of POS terminals. It would be obvious for one of ordinary skill in the art to want to use the better communications system. (This is the “why”).

Replacing the phone communication system of Swinamer with the wireless communications system of Walker including the use of PDAs would be an obvious improvement. (This is the “how”).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900. The fax phone number for this Group is (703) 308-6306.

 3/21/03  
Michael Cuff  
March 21, 2003